

Appl. No. : 10/789,437
Filed : February 26, 2004

REMARKS

I. Amendment to the Claims

By this paper, the Applicant has amended Claims 1, 20, and 40. Thus, Claims 1-40 remain pending and are presented for further examination.

The applicant has not added new matter by claim amendments. For example, the amendments to Claims 1 and 20 are supported by at least paragraphs 37-47 and Figure 6. The amendment to Claim 40 is supported by least paragraphs 33, 37-47 and Figure 6.

II. Discussion of Rejection of Claims 1-40 under 35 U.S.C. §102(b)

In paragraph 2 of the Office action, the Examiner rejected Claims 1-40 under 35 U.S.C. §102(b) as being anticipated by Burns (U.S. Patent 6,526,173). In response, the Applicant has amended Claims 1, 20, and 40.

A. The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, a finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). The Applicant submits that, in light of the amendments to the claims, Burns fails to teach or suggest all of the limitations of Claims 1 and 20, as discussed below.

B. Discussion of Distinctions of the Claims in View of Burns

With respect to the rejection of Claim 1, the Applicant submits that Burns neither teaches nor suggests a method comprising "identifying a plurality of points having at least one related

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characteristic in at least one of the first and second frames based, at least in part, on numerical differences between the first and second frames”, as recited in amended Claim 1. Though Burns teaches a step of identifying at least one object in the image frames, Burns does not teach identifying the object based, at least in part, on numerical differences between two frames. In fact, Burns merely describes that the object can be “identified using object identification methods known in the art of image processing”, but nowhere does Burns teach or suggest the step of identifying the plurality of points, as recited in Claim 1. *See Burns*, col. 3, lines 13-20. Burns is clearly silent and fails to disclose what method(s) is used to identify an object in the Burns system.

Also, on page 2 of the Office Action, the Examiner took the position that the language in col. 3, lines 14-63 of Burns teaches identifying an object using a mathematical transformation. The Applicant respectfully disagrees with this characterization. According to Fig. 1 and the corresponding description of Burns, a mathematical transformation is determined in block 14 after an object is identified in block 10. The mathematical transformation is not even available when an object is identified. Therefore, Claim 1 is not anticipated by Burns. Further, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 1 in view of Burns.

With respect to Claim 20, the Applicant submits that Burns neither teaches nor suggests “an identifier circuit configured to identify a plurality of points having at least one related characteristic in at least one of the first and second frames based, at least in part, on numerical differences between the first and second frames” as recited in amended Claim 20. Therefore, Claim 20 is not anticipated by Burns. Further, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 20 in view of Burns.

Since each of Claims 1-19 and 21-40 depends either directly or indirectly on one of Claims 1 and 20, the Applicant submits that those claims are also allowable.

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III. Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

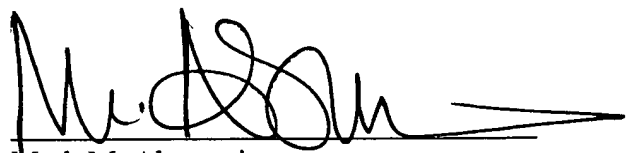
In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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